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RECEIVED  
Of Counsel  
H. LaDon Baltimore

2004 JAN -2 AM 10:04

T.R.A. DOCKET ROOM

December 31, 2003

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201

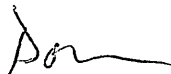
Re: Triennial Review Order - 9 Month Proceeding - Loop & Transport; Docket No.  
03-00527 - Procedural Schedule

Dear Guy:

Enclosed are the objections and responses of KMC Telecom III, LLC to BellSouth's First Set of Interrogatories in the above-referenced docket.

If you have any questions, please contact me.

Sincerely,



H. LaDon Baltimore  
Counsel for KMC Telecom

LDB/dcg  
Enclosure

cc: TRA, Attn: Sharla Dillon  
Interested Parties' Counsel of Record

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

December 31, 2003

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IN RE: TRIENNIAL REVIEW )  
ORDER - 9 MONTH ) DOCKET NO. 03-00527  
PROCEEDING- )  
LOOP & TRANSPORT )

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KMC TELECOM III, LLC'S RESPONSE TO  
BELL SOUTH TELECOMMUNICATION'S  
FIRST SET OF INTERROGATORIES

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Comes now KMC Telecom III, LLC ("KMC"), by and through its counsel of record, and responds to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories as follows:

A. General Objections

KMC makes the following General Objections to BellSouth's First Set of Interrogatories, including the applicable definitions and general instructions therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

1. KMC objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all BellSouth discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.

2. KMC has interpreted the BellSouth discovery to apply to KMC's regulated intrastate operations in Tennessee and will limit its responses accordingly. To the extent that any BellSouth discovery is intended to apply to matters that take place outside the state of Tennessee and which are not related to Tennessee intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. KMC objects to the BellSouth discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. KMC objects to the BellSouth discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by KMC in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the BellSouth discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the BellSouth discovery insofar as it seeks information or documents, or seeks to impose obligations on KMC which exceed the requirements of the Tennessee Rules of Civil Procedure or Tennessee law.

7. KMC objects to providing information to the extent that such information is already in the public record before the Tennessee Regulatory Authority ("TRA") or which is already in the possession, custody, or control of BellSouth.

8. KMC objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to T.C.A. §65-3-109 and other relevant Tennessee statutes and regulations. To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. KMC is a large corporation with employees located in many different locations in Tennessee and in other states. In the course of its business, KMC creates countless documents that are not subject to TRA or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. KMC will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the BellSouth discovery purports to require more, KMC objects on the grounds that compliance would impose an undue burden or expense.

11. KMC objects to the BellSouth discovery that seeks to obtain "all," "each," or "every" document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that KMC may provide in response to the BellSouth discovery will be provided subject to, and without waiver or, this objection.

12. KMC objects to the BellSouth discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the BellSouth discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time KMC has been afforded to respond to the BellSouth discovery, the development of KMC's positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. Except as stated in response to a specific BellSouth discovery request, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis, contrary to the BellSouth General Instruction.

B. Specific Objections

KMC makes the following Specific Objections to BellSouth's First Set of Interrogatories, including the applicable definitions and general instructions expressed therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

15. KMC objects to each and every interrogatory that seeks information regarding KMC's operations in ILEC service areas other than the BellSouth ILEC service area within the state of Tennessee as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

16. KMC objects to each and every interrogatory that seeks to obtain information regarding "former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of KMC" as such information is not within KMC's control, it would be unduly burdensome to attempt to obtain, and it is likely irrelevant.

17. Outside of the discovery request served by BellSouth on October 29, 2003, there have been discussions between BellSouth and some of the CLECs that this discovery is "regional" in nature and that BellSouth would prefer that the CLECs respond on a regional basis without additional service in these other states. At this point in time, without necessarily agreeing or disagreeing with BellSouth's request for regional answers, KMC reserves its rights to object to providing responsive information for states other than Tennessee. Further, in the event KMC does provide responsive information for states other than Tennessee pursuant to the October 29, 2003, discovery in this Tennessee docket, KMC reserves its rights to not provide

such non-Tennessee information in the Tennessee FPSC case. Finally, in the event KMC does provide information for states other than Tennessee pursuant to the October 29, 2003, discovery in this Tennessee docket, KMC reserves its rights to provide such non-Tennessee information on a supplemental basis.

### **INTERROGATORIES**

1. Affirm or deny that you have self-provided high capacity transport facilities that you own (i.e., any DS3 or greater facilities, including dark fiber) that provide transport along a route between a pair of ILEC central offices or wire centers in each/any of the nine Southeastern states for use in your own operations. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each central office of the pair and be operationally ready to provide transport into or out of each office of the pair. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you "own" transport facilities if (i) you have legal title to the facility; or (ii) if you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC further notes that KMC's response to this interrogatory is based on the definition and evaluation criteria set forth in the Triennial Review. The triggers adopted by the FCC in Triennial Review require a transport evaluation on a "route-specific" basis. TRO ¶ 401. Specifically, 47 C.F.R. § 51.319 (e) defines a "route" as "a transmission path between one of an incumbent LEC's wire centers or switches and another of the incumbent LEC's wire centers or switches." Transport between non-ILEC wire centers and switches is not defined a "route" for the purposes of the Triennial Review's trigger analysis. KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.319 (e) and applicable law.

**Responsible KMC Employee:** Objections provided by Counsel.

Sample Form for Response to Question 1									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

2. Affirm or deny that you offer to carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that you own that provide a route between a pair of ILEC central offices or wire centers, to one or more pair of wire centers, in each/any of the nine states.

The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair. Answer this question in the affirmative if you are offering such facilities. For purposes of this question, you “own” a facility (i) if you have legal title to the facility, or (ii) if you have obtained on an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties, should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC further notes that KMC’s response to this interrogatory is based on the definition and evaluation criteria set forth in the Triennial Review. The triggers adopted by the FCC in Triennial Review require a transport evaluation on a “route-specific” basis. TRO ¶ 401. Specifically, 47 C.F.R. § 51.319 (e) defines a “route” as “a transmission path between one of an incumbent LEC’s wire centers or switches and another of the incumbent LEC’s wire centers or switches.” Transport between non-ILEC wire centers and switches is not defined a “route” for the purposes of the Triennial Review’s trigger analysis. KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.319 (e) and applicable law.

**Responsible KMC Employee:** Objections provided by Counsel.

Sample Form for Response to Question 2									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

3. Affirm or deny whether you have acquired on a wholesale basis from a third party (other than the ILEC or a CLEC that is a party to this proceeding) DS1, DS3, or dark fiber transport between two or more ILEC central offices in each/any of the Southeastern states. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6)) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair.

**Responsible KMC Employee:** Substantive response provided by Michael P. Duke.

Sample Form for Response to Question 3									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

4. For each state in Question 1 that you answered in the affirmative (that you have deployed or self-provide high capacity transport for use in your own operations), provide a list of all the paired ILEC CO to ILEC CO routes on which you have deployed such facilities identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up each and every route. In each case show the "low alpha" (alphabetically first) CLLI code as Wire Center A and the "high alpha" CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)
- b. Whether your self-provided transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code for the collocation arrangement.
- c. Whether your self-provided transport facilities are provisioned entirely on facilities you own (as defined in Question 1).
- d. If any of your self-provided transport facilities include facilities obtained through third parties (Yes, No); if your response is yes, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are able to immediately provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not answer affirmative for any state in Question 1.

**Responsible KMC Employee:** Objections provided by Counsel.

5. For each state in Question 2 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher, or dark fiber capacity transport) provide a list of all ILEC CO to ILEC CO routes along which you provide such transport identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up the end points of each and every route. In each case show the "low alpha" (alphabetically first)

CLLI code as Wire Center A and the "high alpha" CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)

- b. Whether your wholesale transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code of the collocation arrangement.
- c. Whether your wholesale transport services are provisioned entirely on facilities you own (as defined in Question 2).
- d. If any of your self-provided transport facilities include facilities obtained through third parties, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are willing and able immediately to provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not answer affirmative for any state in Question 2.

**Responsible KMC Employee:** Objections provided by Counsel.

6. For each state in Question 3 that you answered in the affirmative (that you have acquired on a wholesale basis DS1, DS3 or higher, or dark fiber transport), provide the following in electronic format using the worksheet related to both self-provided (the Question 4 spreadsheet) and wholesale facilities (the Question 5 spreadsheet):

- a. The CLLI codes of the ILEC wire centers or COs of the starting and ending points of the transport routes;
- b. The name of the carrier or company from whom you received or purchased the transport;
- c. Whether you are operationally ready to provide transport using these facilities; and
- d. The capacity deployed and the capacity active on the route as of September 30, 2003.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not answer affirmative for any state in Question 3.

**Responsible KMC Employee:** Objections provided by Counsel.



7. If, in response to Questions 4 and 5, you denied any of the specified characteristics, explain in detail the basis for your response. For example, if your wholesale operations are affiliated with another provider, state the name of the provider with whom you are affiliated. State also whether there are other limitations on your wholesale operations; if so, describe in detail any such limitations.

**Response:** As noted in KMC's response to Question 1, KMC's response to this interrogatory is based on the definition and evaluation criteria set forth in the Triennial Review. The triggers adopted by the FCC in Triennial Review require a transport evaluation on a "route-specific" basis. TRO ¶ 401. Specifically, 47 C.F.R. § 51.319 (e) defines a "route" as "a transmission path between one of an incumbent LEC's wire centers or switches and another of the incumbent LEC's wire centers or switches." Transport between non-ILEC wire centers and switches is not defined a "route" for the purposes of the Triennial Review's trigger analysis. KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.319 (e) and applicable law.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

8. Affirm or deny that you have self-provided high capacity loop or dark fiber facilities that you own (i.e., any DS3 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in each/any of the nine Southeastern states for use in your own operations in providing retail service to your customers. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you "own" a facility (i) if you have legal title to the facility, or (ii) if it you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to, special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC further notes that KMC's response to this interrogatory is based on the definition and evaluation criteria set forth in the Triennial Review. The triggers adopted by the FCC in Triennial Review require a location specific review evaluation of the self-provisioning trigger for loops. TRO ¶ 327 and 328. Specifically, 47 C.F.R. § 51.319 (a) defines a "local loop" as "a transmission facility between a distribution frame (or its equivalent) in an incumbent LEC central office and the loop demarcation point at an end-user customer premise." The local loop definition does not include transmission facilities between non-ILEC wire centers and switches and end-user customer premises. KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.319 (a) and applicable law. Subject to, and without waiving these objections, KMC states as follows:

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

Sample Response Form - Question 8: Self-provided facilities for providing retail service									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm	X	X	X		X	X	X	X	X
Deny				X					

9. Affirm or deny that you offer to carriers on a wholesale basis DS1, DS3 or higher capacity loop facilities or dark fiber that you own (i.e., any DS1 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in each/any of the nine Southeastern states. Answer this question in the affirmative if you are offering such facilities. For purposes of this question, you "own" a facility if (i) you have legal title to the facility, or (ii) if you have obtained on an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties, should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC hereby incorporates its response to Question 8 as if set forth herein in its entirety. KMC does not currently provide any carrier, on a wholesale basis, DS1, DS3 or higher capacity loop facilities or dark fiber that KMC owns.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

Sample Response Form - Question 9: Self-provided facilities offered on wholesale basis									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

10. Affirm or deny that you have obtained from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of retail services to your customers, to one or more customer locations in each/any of the nine Southeastern states. Self-provided facilities that you "own" as defined in 8 above should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC does not currently obtain from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity

loops or dark fiber loops for the provisioning of retail services to KMC's customers, to one or more customer locations in BellSouth's territory in Tennessee.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

Sample Response Form - Question 10: 3rd Party facilities leased for providing retail service									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

11. Affirm or deny that you have obtained from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of services on a wholesale basis to one or more customer locations in each/any of the nine Southeastern states. Self-provided facilities that you "own" as defined in 9 above should not be included in this response.

**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. KMC does not currently obtain from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of services on a wholesale basis to one or more customer locations in BellSouth's territory in Tennessee.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

Sample Response Form - Question 11: 3rd Party facilities leased for reselling as wholesale service									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny	X	X	X	X	X	X	X	X	X

12. For each state in Question 8 and 10 that you answered in the affirmative (that you have self-provided or obtained from a third party other than the ILEC or a CLEC that is a party to this proceeding high capacity loops or dark fiber for use in your own operations in providing retail service to your customers) provide a list of the customer locations to which you have deployed such loops, (in electronic format using the attached spreadsheets) identifying:

- a. The RSAG valid address of each customer location.

- b. The CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc., from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to address such restrictions.
- f. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**Response:** KMC hereby incorporates its response to Question 8 as if set forth herein in its entirety. However, in an attempt to be responsive, KMC is in the process of compiling such information and, as soon as such compilation is complete, will provide the information in a Supplemental Response as a Confidential and Proprietary Attachment.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

13. For each state in Questions 9 and 11 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher capacity loops) provide a list of the customer locations to which you have provided such loops (in electronic format using the attached spreadsheets), identifying:

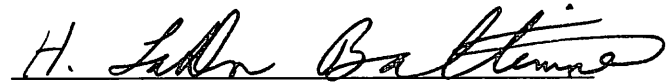
- a. The RSAG valid address of each customer location.
- b. The CLLI code of the location from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis or UNE basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail

- any restrictions on your ability to serve customers and explain any and all actions you have taken to eliminate such restrictions.
- f. Indicate whether other carriers have access to these wholesale facilities at a technically feasible point (e.g., manhole, meet point, collocation, etc).
  - g. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

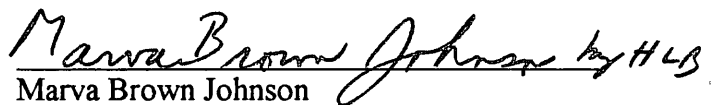
**Response:** KMC adopts and incorporates its General Objection 3, 4, 5, 6, and 13, and its Specific Objection 15 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not answer affirmative for any state in Question 9 or 11.

**Responsible KMC Employee:** Objections provided by Counsel.

Respectfully submitted,



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*Attorneys for KMC Telecom III LLC*

#### **Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, to the following, this 31st day of December, 2003.

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BellSouth Telecommunications, Inc.  
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